

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Kenneth B Miller
Robin L Miller
Debtor(s)

Bankruptcy Case No.: 13-70328-JAD
Per October 13, 2016 proceeding
Chapter: 13
Docket No.: 94 – 80, 83
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 1, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1728.00 as of October 2016. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Spring Castle Credit (Claim No. 7-2) shall govern as to amount, to be paid as modified by the plan, and to be paid an additional \$63.68 at 0 percent interest.

All payments to Ally (Claim No. 8) were proper and are ratified.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: October 20, 2016

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Kenneth B Miller
 Robin L Miller
 Debtors

Case No. 13-70328-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: lmar
 Form ID: 149

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 Total Noticed: 50

Date Rcvd: Oct 20, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 22, 2016.

db/jdb
 aty +Kenneth B Miller, Robin L Miller, 104 Beth Lane, Woodland, PA 16881-8314
 +John D. Schlotter, Aldridge Connors, LLP, 15 Piedmont Center, 3575 Piedmont Road, NE,
 Suite 500, Atlanta, GA 30305-1636
 cr +Beneficial Consumer Discount Company, Aldridge Connors LLP, 3575 Piedmont Road NE Ste 500,
 Atlanta, GA 30305-1623
 cr JP Morgan Chase Bank, N.A., Chase Records Center, ATTN: Correspondence Mail,
 Mail Code LA4-5555, 700 Kansas Lane, Monroe, LA 71203
 13629213 +Adagio Health Clearfield, 960 Penn Avenue, Pittsburgh, PA 15222-3812
 13629215 +Beneficial, P.O. Box 5240, Carol Stream, IL 60197-5240
 13712136 +CAPITAL ONE BANK (USA), N.A., PO Box 12907, Norfolk VA 23541-0907
 13629217 +Capital One Bank, N.A., P.O. Box 71083, Charlotte, NC 28272-1083
 13629218 +Capital One Retail Services, P.O. Box 71106, Charlotte, NC 28272-1106
 13629219 +Chase Home Mortgage, P.O. Box 78420, Phoenix, AZ 85062-8420
 13629220 +Clear Med Providers, P.O. Box 1260, Clearfield, PA 16830-5260
 13629221 +Clearfield EMS, Inc., 713 West Front Street, Clearfield, PA 16830-2975
 13629222 +Clearfield Hospital, P.O. Box 992, Clearfield, PA 16830-0992
 13629223 +Clearfield Prof Group, 820 Turnpike Avenue, Clearfield, PA 16830-1233
 13639629 +DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
 (address filed with court: Dell Financial Services, LLC, Resurgent Capital Services,
 PO Box 10390, Greenville, SC 29603-0390)
 13629226 +ETS Collections, P.O. Box 1730, Reynoldsburg, OH 43068-8730
 13629229 +HSBC Card Services, P.O. Box 71104, Charlotte, NC 28272-1104
 13658089 +HSBC MORTGAGE SERVICING, INC., POST OFFICE BOX 21188, EAGAN, MINNESOTA 55121-0188
 13708598 +JPMorgan Chase Bank, National Association, Chase Home Finance, LLC, Attn: OH4-7302,
 3415 Vision Drive, Columbus, OH 43219-6009
 13629231 +John Deere Financial, P.O. Box 4450, Carol Stream, IL 60197-4450
 13629233 +Northwest Consumer Discount Company, 16 North Second Street, P.O. Box 432,
 Clearfield, PA 16830-0432
 13629234 +OneMain Financial, 280 Commons Drive, Du Bois, PA 15801-3808
 13629235 +PA Collection Service, P.O. Box 893, Washington, PA 15301-0893
 13629236 +Penn Credit, 916 S. 14th Street, P.O. Box 988, Harrisburg, PA 17108-0988
 13629238 +Radio Shack, P.O. Box 6497, Sioux Falls, SD 57117-6497
 13629240 +Thomas A. Carnevale, MD, 807 Turnpike Avenue, Clearfield, PA 16830-1239
 13629241 #+Tractor Supply, Attn: Customer Service, 200 Powell Place, Brentwood, TN 37027-7514
 13629242 +United Refining Company, P.O. Box 599, Warren, PA 16365-0599
 13648259 Wells Fargo Bank NA, PO Box 10438, Des Moines IA 50306-0438
 13629244 +Wells Fargo financial Cards, P.O. Box 660041, Dallas, TX 75266-0041
 13853122 eCast Settlement Corporation, PO Box 28136, New York, NY 10087-8136

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/Text: bnc@bass-associates.com Oct 21 2016 01:23:02 Capital One, N.A.,
 Bass & Associates, P.C., 3936 E. Ft. Lowell Rd, Suite #200, Tucson, AZ 85712-1083
 cr +E-mail/Text: bnc@bass-associates.com Oct 21 2016 01:23:02 eCAST Settlement Corporation,
 c/o Bass & Associates, P.C., 3936 E Ft. Lowell, Suite 200, TUCSON, AZ 85712-1083
 13690748 +E-mail/Text: bncmail@w-legal.com Oct 21 2016 01:23:30 ANTIO, LLC,
 C O WEINSTEIN AND RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 13659497 E-mail/Text: ally@ebn.phinsolutions.com Oct 21 2016 01:23:02 Ally Financial,
 PO Box 130424, Roseville, MN 55113-0004
 13629214 +E-mail/Text: ally@ebn.phinsolutions.com Oct 21 2016 01:23:02 Ally Financial,
 200 Renaissance Center, Detroit, MI 48243-1300
 13671173 +E-mail/Text: bncmail@w-legal.com Oct 21 2016 01:23:30 CERASTES, LLC,
 C O WEINSTEIN AND RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 14290809 +E-mail/Text: bankruptcy@consumerportfolio.com Oct 21 2016 01:23:31
 CONSUMER PORTFOLIO SERVICES, INC., P.O. BOX 57071, IRVINE, CA 92619-7071
 13629216 +E-mail/Text: cms-bk@cms-collect.com Oct 21 2016 01:23:10 Capital Management Services, LP,
 698 1/2 South Ogden Street, Buffalo, NY 14206-2317
 13718103 +E-mail/Text: bnc@bass-associates.com Oct 21 2016 01:23:01 Capital One, N.A.,
 c/o Bass & Associates, P.C., 3936 E. Ft. Lowell Road, Suite #200, Tucson, AZ 85712-1083
 13629225 +E-mail/Text: mrdiscen@discover.com Oct 21 2016 01:23:03 Discover, P.O. Box 71084,
 Charlotte, NC 28272-1084
 13636306 E-mail/Text: mrdiscen@discover.com Oct 21 2016 01:23:03 Discover Bank,
 DB Servicing Corporation, PO Box 3025, New Albany, OH 43054-3025
 13629227 +E-mail/PDF: gecsed@recoverycorp.com Oct 21 2016 01:26:14 GECRB/JCP, P.O. Box 960090,
 Orlando, FL 32896-0090
 13629230 E-mail/Text: cio.bncmail@irs.gov Oct 21 2016 01:23:09 Internal Revenue Service,
 Centralized Insolvency Operation, P.O. Box 7346, Philadelphia, PA 19101-7346
 13629232 +E-mail/PDF: gecsed@recoverycorp.com Oct 21 2016 01:26:14 Lowe's/GECRB, P.O. Box 530914,
 Atlanta, GA 30353-0914
 13710568 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 21 2016 01:26:19
 Portfolio Recovery Associates, LLC, PO Box 12914, Norfolk VA 23541
 13875443 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 21 2016 01:26:04
 PRA Receivables Management, LLC, POB 41067, Norfolk, VA 23541-1067

District/off: 0315-7

User: lmar
Form ID: 149

Page 2 of 2
Total Noticed: 50

Date Rcvd: Oct 20, 2016

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

13629237 +E-mail/Text: bankruptcynotices@psecu.com Oct 21 2016 01:23:40 PSECU, P.O. Box 67013, Harrisburg, PA 17106-7013
14089300 E-mail/PDF: cbp@onemainfinancial.com Oct 21 2016 11:49:32 Springleaf Financial Services, PO Box 3251, Evansville, IN 47731
13629243 +E-mail/PDF: gecsed@recoverycorp.com Oct 21 2016 01:26:14 Walmart Discover/GECRB, P.O. Box 960024, Orlando, FL 32896-0024

TOTAL: 19

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
cr JPMorgan Chase Bank, National Association
cr* +PRA Receivables Management, LLC, POB 41067, NORFOLK, VA 23541-1067
13629224* ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
(address filed with court: Dell Preferred Account, Payment Processing Center, P.O. Box 6403, Carol Stream, IL 60197)
13716854* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541)
13629228 ##+Holiday Financial Services, 1800 Daisy Street, P.O. Box 209, Clearfield Mall Unit #350, Clearfield, PA 16830-0209
13640353 ##+Rjm Acquisitions Llc, 575 Underhill Blvd, Suite 224, Syosset, NY 11791-3416
13629239 ##+Shipley Energy, 550 East King Street, P.O. Box 946, York, PA 17405-0946

TOTALS: 2, * 3, ## 3

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 22, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 20, 2016 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
agornall@goldbecklaw.com, bkgroup@goldbecklaw.com; bkgroup@kmlawgroup.com
Kenneth P. Seitz on behalf of Joint Debtor Robin L Miller thedebterasers@aol.com
Kenneth P. Seitz on behalf of Debtor Kenneth B Miller thedebterasers@aol.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5